



International Covenant on Civil and Political Rights

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Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012

Lithuania

1. The Committee considered the third periodic report submitted by Lithuania (CCPR/C/LTU/3) at its 2896th and 2897th meetings (CCPR/C/SR.2896 and CCPR/C/SR.2897), held on 10 and 11 July 2012. At its 2916th meeting (CCPR/C/SR.2916.), held on 24 July 2012, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Lithuania and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee also appreciates the written replies (CCPR/C/LTU/Q/3/Add.1) to the list of issues which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Law on Equal Opportunities which came into force on 1 January 2005 and which prohibits any direct or indirect discrimination based on age, sexual orientation, disability, racial or ethnic origin, religion, or beliefs;

(b) The amendment of the Law on Equal Opportunities (2008) providing victims of discrimination with more procedural guarantees by shifting the burden of proof in discrimination cases over to the respondent, except in criminal cases;

(c) The amendments of the Criminal Code (2009) which, inter alia, criminalize certain infringements formerly considered of administrative nature, and expressly consider xenophobic, racial and discriminatory motivation or aim behind a crime as an aggravating

circumstance; and the adoption of the new legislation on probation which entered into force on 1 July 2012.

4. The Committee welcomes the ratification by the State party of the following international instruments:

(a) The International Convention on the Rights of Persons with Disabilities and its Protocol, on 27 May 2010;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 5 August 2004;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 5 August 2004.

C. Principal matters of concern and recommendations

5. The Committee notes that the State party has not yet established a consolidated national institution with broad competence in the field of human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

The State party should establish a national human rights institution with a broad human rights mandate, and provide it with adequate financial and human resources, in line with the Paris Principles .

6. While noting the recent enactment of the Law on Protection against Domestic Violence, the Committee remains concerned at the high prevalence of violence, in particular domestic violence, against women, and the absence of effective measures to protect victims thereof (art. 2).

The State party should allocate sufficient resources to ensure the effective implementation of the Law on Protection against Domestic Violence and the National Strategy for Combating Violence against Women, and should guarantee the availability of a sufficient number of safe and adequately funded shelters as well as legal aid to the victims of such violence.

7. While noting the continuation of the National Programme for the Integration of the Roma into Lithuanian Society (2012-2014), the Committee is concerned that Roma continue to suffer from discrimination, poverty, low educational attainment, large-scale unemployment, and inadequate standards of living, in particular as regards housing (arts. 2 and 26).

The State party should evaluate the implementation of existing policies and programmes in order to assess the extent to which they have effectively contributed to improving the social and economic conditions of Roma.

8. The Committee is concerned that certain legal instruments such as the Law on the Protection of Minors against the Detrimental Effect of Public Information (art. 7) may be applied in a manner unduly restrictive of the freedom of expression guaranteed under the Covenant and may have the effect of justifying discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals. The Committee is furthermore concerned at various legislative proposals, including amendments to the Code of Administrative Offences, the Constitution, and the Civil Code which, were they to be adopted, would impact negatively on the enjoyment of fundamental rights by LGBT individuals. The Committee is also concerned at the increasing negative attitudes against, and stigmatization of, such persons in society, which has manifested itself in instances of violence and discrimination, and at reports of reluctance on the part of police officers and prosecutors to pursue allegations of

human rights violations against persons on the basis of their sexual orientation or gender identity (arts. 2, 19 and 26).

The State party should take all necessary measures to ensure that its legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity. The State party should implement broad awareness-raising campaigns, as well as trainings for law enforcement officials, to counter negative sentiments against LGBT individuals. It should consider adopting a targeted national action plan on the issue. The Committee, finally, recalls the obligation of the State party to guarantee all human rights of such individuals, including the right to freedom of expression and the right to freedom of assembly.

9. The Committee, while noting the information contained in the State party's parliamentary inquiry into alleged incidents of rendition and secret detention of terrorism suspects, and further noting that the pretrial investigation was terminated by the Office of the Prosecutor-General, remains concerned that not all information and evidence has been collected and assessed in the course of the investigations.

The State party should ensure an effective investigation into allegations of its complicity in human rights violations as a result of counter-terrorism measures. The Committee urges the State party to continue the investigations on the matter and to bring perpetrators to justice.

10. While noting the recently adopted Law on the Protection Against Domestic Violence and further noting the intention of the State party to enact the necessary legislation to address this issue in other settings, the Committee is nevertheless concerned that corporal punishment is currently not explicitly prohibited by law in schools, penal institutions, and in alternative care settings (art. 7).

The State party should take practical measures to put an end to corporal punishment in all institutional settings.

11. While noting the various programmes implemented by the State party to combat trafficking in human beings, including through international cooperation, and to support victims of trafficking, the Committee is concerned at the continued existence of this problem in the State party, and in particular by information that children under 18 years of age, in particular adolescent girls living in boarding schools, special child-education and care homes, governmental and non-governmental child-care homes, and those in risk families, very often become victims of trafficking (art. 8).

The State party should continue its efforts to combat trafficking of human beings and balance its criminal response with protection measures for victims. It should pay particular attention to preventing sexual exploitation of children in this regard. The State party should, furthermore, expand its cooperation with other States in eliminating trafficking across national borders. Lastly, it should evaluate the impact of its programmes with a view to addressing the root causes of the problem.

12. The Committee is concerned about the length of and routine use of administrative detention and detention on remand at the pretrial phase of criminal proceedings. While noting the Law on Probation, which recently came into force, the Committee also regrets the insufficient use of alternatives to imprisonment in the State party (art. 9).

The Committee reiterates its earlier recommendation (CCPR/CO/80/LTU, para 13) that the State party eliminate the institution of detention for administrative offences from its system of law enforcement. The State party should also take appropriate measures to implement alternatives to imprisonment as sentence, including probation, mediation, community service and suspended sentences.

13. The Committee is concerned at the proposed and pending amendment to the Law on the Legal Status of Aliens, which may allow for the removal of foreigners who are regarded

as constituting a threat in terms of national security or public policy, before an appeal has been heard, even if they may be exposed to a violation of their rights under article 7 of the Covenant in the country of return. In this context, the Committee is also concerned at proposals aimed at generally lowering the threshold for establishing the threat to national security or public policy (arts. 9 and 13).

The State party should ensure that it recognizes, in law and in practice, absolute protection for all individuals, without exception, against refoulement to countries where they risk violation of their rights under article 7.

14. The Committee is concerned at the system of legal representation of persons deprived of their legal capacity. In particular, the Committee is concerned at the absence of legal representation of a person in procedures where his or her legal capacity may be deprived, and is also concerned at the absence of the right of individuals declared legally incapacitated to independently initiate a court procedure requesting the review of their legal capacity. Finally, the Committee is concerned at the potential negative consequences of the courts' authority to authorize procedures such as abortion and sterilization to be performed on disabled women deprived of their legal capacity (arts. 14 and 17).

The State party should ensure free and effective legal representation to individuals in all proceedings regarding their legal capacity, including actions to have their legal capacity reviewed. It also should take appropriate measures to facilitate legal support to persons with disabilities in all matters impacting on their physical and mental health.

15. The Committee is concerned that, despite a number of legislative and institutional measures taken by the State party, xenophobic and in particular anti-Semitic incidents continue to occur. The Committee is also concerned that manifestations of hatred and intolerance towards members of national or ethnic minorities as well as LGBT individuals remain widespread particularly on the Internet (arts. 2, 19, 20, 21, 22 and 27).

The State party should, in line with the Committee's general comment No. 34 (2011) on article 19 (freedoms of opinion and expression), strengthen its efforts to prevent crimes committed with racial, discriminatory or xenophobic motives, to bring perpetrators of such crimes to justice and to make effective remedies available to victims. It should reinforce its awareness-raising campaigns to sensitize the public and reduce the prevalence of hatred and intolerance in the media, including the Internet. It should also continue its training programmes in this context, especially targeting law enforcement agencies.

16. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations, so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

17. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 8, 9, and 12 above.

18. The Committee requests the State party, in its next periodic report, due to be submitted by 27 July 2017, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.